

The Madison County Plan Commission on the above date at 9:00 A.M. with Bill Maxwell, President, presiding.

Members Present: Bill Maxwell, Paul Wilson, Phil Isom, John Orick, John Simmermon, Mark Gary and Wesley Likens.

Members Absent: Larry Crenshaw and Patrick Manship.

Also Present: Cory Wilson, Executive Director. Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

Current Business

1. Roll call was taken with two members, Larry Crenshaw and Patrick Manship being absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Member Likens made a motion to approve the minutes. Member Gary seconded the motion. The vote was unanimous in favor of the motion.

New Business:

1. **Petition:** **2009-W-003 AND 2009-W-004** Zoned: AG
Address: 6486 West 1100 South, Fortville
Location: North side of 1100 South, approximately ½ mile east of 700 West
Petitioner: Floyd M. Raymer Trust
Request: Relief of Subdivision Control Ordinance requiring road frontage to be a minimum of 50% of the lot width.

Director Wilson informed the Board they will only be hearing Petition 2009-W-003. After review by the staff it was determined the requested width to depth ratio (2009-W-004) was not needed. The petitioners did meet the requirements.

The lots in question are 804 feet wide at the building set back line requiring 402 feet of lot width.

Steve Servies, Rayl Surveying and Engineering was present representing this request.

Mr. Servies stated what they are doing combining the rest of the acreage that is currently not being farmed with the house and the existing buildings. The woods are part of a Classified Forest Land (CFL). They would like to obtain the waiver so they can combine the seven acre piece with the existing house and barn.

Director Wilson stated the subject site is an approximately eight-acre parcel located along the north side of CR 1100 South, just east of CR 700 West in Green Township. The property is zoned Agriculture/Conservation Forest Land (AG/CFL) with the Comprehensive Plan recommending “the promotion and maintenance of farming activities” for this area. However, with a majority of the site heavily wooded, an underlying conservation classification is also identified to preserve/conservate the wooded acreage. This request would provide for a lot with 50-feet of road frontage when 402 feet would be required. The Madison County Land Use & Development

Code requires any lot located within the AG zoning district to have 50% of the lot width as road frontage. Since the lot is 804 feet-wide when measured at the building set-back line, 402 feet of road frontage would be required. The reason for this regulation is to ensure the development of uniformly-shaped lots with adequate visibility and access for persons and emergency services providers

The subject site is part of the Floyd M. Raymer Trust, which contains substantial amounts of acreage within this area. There is an existing dwelling of which the successor to the Trust plans to sell by separating eight-acres. The existing drive-way would be used for access to the dwelling/lot.

There is an existing 50 foot wide ingress, egress easement. This ingress/egress easement is being made a portion of a lot. During the platting stage there will be conditions placed on the plat so that Lot 1 is given access to the county road. When it is platted it will not be an easement but a part of the seven acres lot.

Staff recommends approval.

Mr. Servies replied that when they go through the Administrative Plat process they will be dedicating that.

There were no remonstrators present.

Member Wilson moved to approve Petition #2009-W-003 per the Findings of Fact and staff recommendations.

Member Orick seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-W-003 was approved.**

2. Miscellaneous

Director Wilson informed the Board he has submitted the budget for 2010.

Director Wilson told the Board he has asked for a three percent raise for the staff although he does not expect any increase in wages for 2010. The rest of the budget he kept the same as 2009. So, no new money has been requested.

Director Wilson informed the Board he passed around a memo to each member this morning concerning Rafert Farms. This is a subdivision that was going to be located southeast of Summerlake along St. Rd. 13. They did complete some of the detention ponds but it has never advanced beyond that point.

The person who originally owned the property has repurchased the ground. He is the owner of the kennel that is located next to this and has concerns with the zoning PUD classification. According to the Madison County Land Use and Development Code, Section 9.13, page 171, Extension, Abandonment, Expiration (PUD Section).

“When no or minimal improvements have been made pursuant to the approved Detailed Development Plan for nine (9) consecutive months, or upon expiration of five (5) years from the approval of the most recent phase of the Detailed Development Plan which has not been completed, the land will revert to the previous zoning district.”

Director Wilson told the Board both thresholds have occurred. For more than nine months no development has occurred. So, now it would be for the Board to decide as what to do. The landowner will be taking this to the Drainage Board because of the ponds that have been constructed. The Board can help as far as this going back to the agricultural zoning classification.

The following is the memo presented

**Madison County
Planning
Commission**

Memo

To: Bill Maxwell, President
From: Cory A. Wilson, Executive Director
CC: Madison County Planning Commission
Date: 5/11/2009
Re: Abandonment of Rafer Farms PUD - Ordinance 2004-BC-D-14

Please accept this memo as a request for the Planning Commission to acknowledge that the development commonly known as Rafer Farms, located along SR 13, approximately ½ mile south of County Road 800 South in Green Township, has been abandon by the developer, the now defunct C.P. Morgan. According to the *Madison County Land Use and Development Code, Section 9.13, page 171, Extension, Abandonment, Expiration*, "when no or minimal improvements have been made pursuant to the approved Detailed Development Plan for nine (9) consecutive months, or upon expiration of five (5) years from the approval of the most recent phase of the Detailed Development Plan which has not been completed, the land will revert to the previous zoning district.

today:

Mr. Shine stated when the County Commissioners approved this they placed certain conditions on it. As of now they have not been checked to see if any of those conditions have been fulfilled. This PUD was required to be approved by the County Commissioners through an ordinance and that ordinance is still of record.

Mr. Shine said he would like to ask the Board today to receive this in their minutes today and then at the next meeting he would have a full report to the Board. He wants to look and see what the conditions are. Mr. Shine feels that a request be sent to the County Commissioners to rescind the ordinance approving the PUD so there would be a record that ordinance itself has now been set aside for the rezoning. The landowner needs to submit something in writing and show clear title to this property before action of any kind is undertaken.

Greg Valentine, 5297 S 800W.

Mr. Valentine told the Board Mike Hammin is the property owner of the kennel by the Rafert Farms ground. He has been trying to purchase the ground from CP Morgan for some time. I got him to mow the property which he has complied with. They want to farm the ground. But because of the work CP Morgan had done the ground is kind of hilly and really needs to be smoothed out. Mr. Hammin is very concerned with the drainage back there. Mr. Valentine stated he didn't think Mr. Hammin would do anything with the property except let it be farmed.

It was the consensus of the Board to adjourn.

Adjournment: 9:44:40 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary

